

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

CHRISTIAN MARCUM,

Plaintiff,

v.

EMCOR GROUP, INC. EMPLOYEE
WELFARE PLAN

and

PRUDENTIAL INSURANCE COMPANY
OF AMERICA,

Defendants.

Case No. 1:13-cv-770

Judge Herman J. Weber

Magistrate Judge Karen L. Litkovitz

JOINT NOTICE OF SETTLEMENT AND REQUEST FOR STAY

Plaintiff Christian Marcum (“Plaintiff”) and Defendants Emcor Group, Inc. Employee Welfare Plan and The Prudential Insurance Company of America (collectively, the “Parties”), by and through their respective undersigned attorneys, hereby submit this joint notice of settlement and request to stay of all case activity, and state the following.

1. On April 28, 2014, the Parties reached a settlement in principle.
2. The Parties anticipate that they will soon finalize their settlement agreement and be prepared to file a Joint Stipulation of Dismissal with Prejudice.
3. Because the Parties have reached a settlement in principle, the Parties request to stay all case activity in this action for forty-five (45) days.
4. This request is made in good faith and not for the purposes of causing unwarranted delay.

WHEREFORE, the Parties jointly submit this notice of settlement and request that this Court enter an order to stay for forty-five (45) days all activity pending the filing of the Joint Stipulation of Dismissal with Prejudice.

Dated: May 6, 2014 By: <u>/s/ Joseph P. McDonald</u> Joseph P. McDonald McDonald & McDonald Co LPA 200A East Spring Valley Rd. Dayton, OH 45458 937-428-9800 Fax: 937-428-9811 Email: joseph@mcdonaldandmcdonald.com <i>Counsel for Plaintiff</i>	Dated: May 6, 2014 By: <u>/s/ James C. Goodfellow</u> James C. Goodfellow jgoodfellow@seyfarth.com SEYFARTH SHAW LLP 131 South Dearborn Street Suite 2400 Chicago, Illinois 60603 Telephone: (312) 460-5000 Admitted <i>Pro Hac Vice</i> <i>Counsel for Defendants Emcor Group, Inc. Employee Welfare Plan and The Prudential Insurance Company of America</i>
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CERTIFICATE OF SERVICE

A copy of the foregoing *Joint Notice of Settlement* has been served, via the Court's CM/ECF system, this 6th day of May 2014, upon:

Joseph P McDonald
McDonald & McDonald Co LPA
200A East Spring Valley Rd.
Dayton, OH 45458
937-428-9800
Fax: 937-428-9811
Email: joseph@mcdonaldandmcdonald.com

/s/ James C. Goodfellow, Jr. _____
James C. Goodfellow, Jr.